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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,417	10/15/2003	Dong-Soo Nam	102-1001	4388

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EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,417

Applicant(s)

NAM, DONG-SOO

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,265,869 (Morita).

Regarding claim 26, Figs. 1-2B show a paper-discharging apparatus to discharge paper from an image forming device having paper-discharging rollers, comprising:

a supporting plate (5) positioned at a paper-discharging port side of the image forming device;

a supporting bracket (including 7) including idle rollers (9) facing the paper-discharging rollers (8) and being coupled (via 15) to the supporting plate (5); and

a plurality of adjustable elastic members (13 and 13) arranged along lengths of the supporting plate (5) and the supporting bracket (including 7) therebetween.

Response to Arguments

3. Applicant's arguments filed 01/10/2006 have been fully considered but they are not persuasive. Applicant argues

However, it is evident from FIG. 1 of Morita that the springs 13, on which the Examiner relies to allegedly read as "adjustable elastic members," are disposed at bent portions of outside ends of the guide plate 5 about bolts 5 that couple the bent portions of the outside ends of the guide plate 5 to a support plate 7. Since Morita's springs 13 are only disposed at the bent portions of the outside ends of the guide plate 5, the springs 13 are not arranged along a length of the guide plate 5. In other words, these springs 13 shown in FIG. 1 of Morita cannot be reasonably interpreted as being "arranged along lengths" of the guide plate 5, as recited in independent claim 26 of Applicant's invention. Thus, Morita's springs 13 are not that same as Applicant's adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket," and therefore, the Examiner's position is left unsupported. Accordingly, Applicants respectfully submit that Morita fails to disclose, among other things, "a plurality of adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket therebetween," as recited in independent claim 26 of Applicant's invention.

In response, it is noted that the guide plate 5 includes the flange portions 5a and 5b, as well as, guide pieces 5c and 5d. See, e.g., column 4, lines 35-54. In other words, these are all portions of the same guide plate 5. Also, Fig. 1 of Morita shows that the elastic member 13 located near element 27 has a diameter that is arranged along a portion 5b (i.e., a length) of the guide plate 5 (i.e., supporting plate 5), while the elastic member 13 located near element 26 has a diameter that is arranged along a portion 5a (i.e., a length) of the same guide plate 5 (i.e., supporting plate 5). Moreover, the elastic member 13 located near element 27 has a diameter that is arranged along a

first portion (i.e., a length) of the supporting bracket (including 7), while the elastic member 13 located near element 26 has a diameter that is arranged along a second portion (i.e., a length) of the same supporting bracket (including 7). As such, it is the examiner's position that the two elastic members 13 and 13 can be considered to be arranged along lengths of the supporting plate 5 and the supporting bracket (including 7) therebetween, as claimed.

Allowable Subject Matter

4. Claims 1-25 are allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


Application/Control Number: 10/684,417

Page 5

Art Unit: 3653

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/09/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER